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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/017,697
Filing Date	12/7/01
First Named Inventor	Santos et al.
Art Unit	1615
Examiner Name	Fubara, Blessing M
Total Number of Pages in This Submission	4
Attorney Docket Number	DIZ-1

**RECEIVED**

JUN 15 2004

**OFFICE OF PETITIONS**

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Correct of error in small entity status
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	Post Card
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Brown & Michaels PC	
Signature	<i>Meagan M</i> → Reg. No. 45,1012.	
Date	6/14/04	

### CERTIFICATE OF TRANSMISSION/MAILING

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Typed or printed name	Justin Wood	
Signature	<i>M</i>	Date 6/14/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

June 4, 2004

JUN 15 2004

## OFFICE OF PETITIONS

In re Application of: Santos *et al.*  
Serial No. 10/017,697  
Filed: 12/7/01  
Title: TASTE MASKED AQUEOUS LIQUID PHARMACEUTICAL  
COMPOSITION  
Art Unit: 1615 Adjustment date: 06/18/2004 CKHLOK  
12/20/2001 DTESEM1 00000051 10017697  
01 FC:201 -370.00 OP  
Examiner: Fubara, Blessing M. 02 FC:203 -234.00 OP  
03 FC:202 -294.00 OP  
Attorney Docket No.: DIZ-1  
Confirmation No.: 5711 Adjustment date: 06/18/2004 CKHLOK  
03/01/2002 VTRUONG1 00000058 10017697  
01 FC:205 -65.00 OP  
Commissioner for Patents Adjustment date: 06/18/2004 CKHLOK  
P.O. Box 1450 06/15/2004 KKEMP1 00000008 10017697  
Alexandria, VA 22313-1450 01 FC:1461 -1179.00 OP

**CORRECTION OF ERRORS IN SMALL ENTITY STATUS AND NOTIFICATION OF  
LARGE ENTITY STATUS UNDER 37 CFR § 1.28 (c)**

Applicant established small entity status in good faith with the filing of the application on December 7, 2001. All fees associated with the above-identified application during the life of the application were paid as small entity status in good faith. It was later discovered that the small entity status was established in error.

As stated in 37 CFR 1.28 (c), such an error may be excused upon compliance with the following requirements:

- 1) Submission of an itemization of all fees paid, and calculation of the deficiencies owed for each fee previously paid as a small entity; and
- 2) payment of all deficiencies owed.

06/18/2004 CKHLOK 00000017 10017697  
01 FC:1001 770.00 OP  
02 FC:1202 468.00 OP  
03 FC:1201 774.00 OP  
04 FC:1051 130.00 OP

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06/15/2004 KKEMP1 00000008 10017697

01 FC:1461

1179.00 OP

**1. Itemization of all fees paid and the deficiencies associated with each of the fees**

<u>Type of Fee</u>	<u>Amount Paid</u>	<u>Date Paid</u>	<u>Current Large Entity Fee</u>	<u>Difference Between Paid Fee &amp; Large Entity Fee</u>
Basic Filing Fee	\$370	12/7/01	\$770	\$400
Extra Claim Fees 26 extra total claims 9 extra independent claims	\$528 \$234 for the extra claims at \$9/claim and \$294 for the extra independent claims at \$42/claim	12/7/01	\$1242 \$18 *26 = \$468 + \$86 * 9 = \$774	\$714
Assignment Recordation	\$40	1/29/02	\$40	0
Surcharge for late filing fee or oath	\$65	1/29/02	\$130	\$65
Assignment Recordation	\$40	6/28/02	\$40	0
Extension of Time for 1	\$110	4/30/04	\$110	0

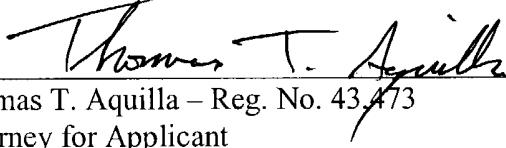
month				
			Total Owed:	<u>\$1179</u>

## 2. Payment of deficiencies

The deficiency in the amount of \$1179 is enclosed. Under 37 CFR § 1.27 (g) (2), this payment serves as notification of loss of entitlement to small entity status.

The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to **Deposit Account No. 02-0910.**

Respectfully Submitted:  
Santos *et al.*

By:   
Thomas T. Aquilla – Reg. No. 43,473  
Attorney for Applicant

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Dated: June 4, 2004